IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1841 OF 2003

Shobha Kishore Karande & Ors. .. Petitioners
V/s
Municipal Corpn.of Gr.Mumbai & Ors. .. Respondents

Mr.Dilip Taur i/by Ms.Varsha Palav for the Petitioners.
Mrs.N.V.Sanglikar for the Respondent No.1.
Mrs.S.M.Dandekar for Respondent Nos.2 and 3.

WITH
WRIT PETITION NO.1520 OF 2003

Shrirang Bhau Dalvi & Ors. .. Petitioners
V/s
Municipal Corpn.of Gr.Mumbai & Ors. .. Respondents

Mr.Dilip Tour i/by Ms.Varsha Palav for Petitioners.
Mrs.N.V.Sanglikar for Respondent No.1.
Mr.S.Ingavle AGP for Resp.Nos.2 and 3.
Mr.R.R.Thombre for Resp.Nos.4 and 5.

CORAM: F.I.REBELLO, &
S.P.KUKDAY, JJ.

DATE : 06.04.2005.

P.C.:

1. Rule. By consent heard forthwith.

2. The grievances in both the petitions are that the Municipal Corporatin has permitted the shifting of the structures on the Municipal Road/Footpath which is adjacent to the Society, of which the petitioners in the petitions are the members.

3. On behalf of the Respondent Corporation it is pointed out that earlier these were persons who were vacant land tenants and on account of widening of the

road they had to be shifted and in these circumstances they were allowed to shift till such time that they could be rehabilitated.

4. Considering the contentions and as the Respondent Corporation will require some time to make the adjustment, we can dispose of the petitions by issuing the following directions:

i. Those who are eligible and who were occupying the land as free hold tenants, the Respondent Corporation to rehibilitate them within a period of six months from today.

ii. If there are persons who are not eligible and still on the land, steps be taken to remove them by following due process of law, within a period of four months from today.

iii. On expiry of the period of six months, those eligible will be evicted and the road/footpath will be made clear for the public.

iv. Those who are not carrying out the business presently, will not be allowed to carry on the business.

5. With the above directions, Rule is made absolute accordingly in both the petitions. Both the petitions stand disposed of.

(F.I.REBELLO, J.)

(S.P.KUKDAY, J.)